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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,911	07/10/2001	Edward O. Clapper	42390P11331	9643

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TROP PRUNER & HU, PC  
1616 S. VOSS ROAD, SUITE 750  
HOUSTON, TX 77057-2631

EXAMINER

JONES, HEATHER RAE

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/902,911	<b>Applicant(s)</b> CLAPPER, EDWARD O.	
	<b>Examiner</b> Heather R. Jones	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.  
     4a) Of the above claim(s) 7-43 and 46-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 44 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election of Group 1 (claims 1-6 and 44-45) in the reply filed on March 13, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 44 and 45 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a computer readable medium, does not reasonably provide enablement for an article of manufacture bearing machine-accessible instructions. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. The phrase "an article of manufacture bearing machine-accessible instructions" is too broad and not properly defined in the specification.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5, 6, 44, and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Hershtik et al. (U.S. Patent 5,790,236).

Regarding claim 1, Hershtik et al. discloses a method of reconstructing an original block of data, the data comprising at least one of audio data, video data, and a computer file (Fig. 1; col. 14, lines 14-18 and 43-47), the method comprising: accessing a plurality of data clips (200); identifying matching sub-clips in two of the plurality of data clips (230 – matching and aligning are combined into one step); aligning the two data clips at the matching sub-clips (230 – matching and aligning are combined into one step); and appending the two aligned data clips and including a single instance of the matching sub-clip (250 and 260) (Fig. 2; col. 8, lines 31-36 and 45-50; col. 9, lines 36-50).

Regarding claim 2, Hershtik et al. discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that appending comprises concatenating the two aligned data clips; and omitting a second instance of the matching sub-clip (col. 9, lines 36-50 and 59-61 – it is implied from this section that the second instance of the matching clip is omitted because the output of the system is a single video version of the movie).

Regarding claim 3, Hershtik et al. discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that appending comprises substituting data in a first of the two data clips with data in a second of the two data clips (col. 9, lines 24-32).

Regarding claim 5, Hershtik et al. discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that accessing comprises receiving at least one of the plurality of data clips from local storage (col. 8, lines 26-30 – the sequences of frame characteristics for each of the movie versions are received from the frame characteristic memory (64)).

Regarding claim 6, Hershtik et al. discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that the identifying comprises performing digital signal processing operations upon the plurality of data clips (col. 8, lines 45-50; col. 12, lines 30-45).

Regarding claims 44 and 45, these are article of manufacturing claims bearing machine-accessible instruction to be accessed by a machine corresponding to claims 1 and 2. Therefore, these claims have been analyzed and rejected as previously discussed with respect to claims 1 and 2.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hershtik et al. as applied to claim 1.

Regarding claim 4, Hershtik et al. discloses all the limitations as previously discussed with respect to claim 1, but does not disclose that accessing comprises receiving at least one of the plurality of data clips over a communication link. However, Official Notice is taken that a movie processing system can receive at least one of the data clips over a communication link. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have received data clips over a communication link in order to easily obtain a plurality of data clips from any remote location.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every Fri.: 7:00 am - 3:30 pm.

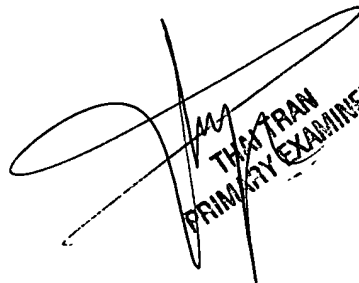
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones  
Examiner  
Art Unit 2621

HRJ  
May 26, 2006

  
THANH TRAN  
PRIMARY EXAMINER